

CHAPTER 75-03-19
ASSESSMENT OF CHILD ABUSE AND NEGLECT REPORTS

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75-03-19-01. Definitions. The terms used in this chapter have the same meaning as in North Dakota Century Code chapter 50-25.1, except:

1. "Assessment" is the factfinding process designed to provide information which enables a decision to be made to provide for the protection and treatment of an abused or neglected child.
2. "Decision" means the conclusion that determines whether services are required to provide for the protection and treatment of an abused or neglected child.
3. "Department" means the North Dakota department of human services.
4. "Subject" means a person named in a child abuse or neglect report who is suspected as having abused or neglected any child. "Subject" includes:
 - a. A child's parent;
 - b. A child's guardian;
 - c. A child's foster parent;
 - d. An employee of a public or private school or nonresidential child care facility;
 - e. An employee of a public or private residential home, institution, or agency; or

- f. A person responsible for the child's welfare in a residential setting.

History: Effective September 1, 1990; amended effective November 1, 1994; January 1, 1996; January 1, 1996, amendments voided by Administrative Rules Committee effective August 8, 1996; September 1, 1997.

General Authority: NDCC 50-25.1-05

Law Implemented: NDCC 50-25.1-05

75-03-19-02. Department's authorized agent to receive reports and conduct assessments - Reimbursement. The department's authorized agent shall act as designee of the department for the purpose of receiving reports of suspected child abuse or neglect and conducting assessments, except as otherwise provided for by law or as otherwise determined by the department in a particular case. The department shall reimburse such authorized agent, in a reasonable amount determined by the department, to the extent funds are made available to the department for these purposes. An authorized agent may not be required to act as the department's authorized agent if the department is unable to provide reimbursement for services rendered.

History: Effective September 1, 1990; amended effective January 1, 1996; July 1, 2006.

General Authority: NDCC 50-25.1-05

Law Implemented: NDCC 50-25.1-02(3), 50-25.1-04, 50-25.1-05, 50-25.1-05.1

75-03-19-03. Time for initiating assessments - Emergencies. All nonemergency child abuse or neglect assessments must be initiated no later than seventy-two hours after receipt of a report by the assessing agency unless the department prescribes a different time in a particular case. In cases involving a serious threat or danger to the life or health of a child, the assessment and any appropriate protective measures must commence immediately upon receipt of a report by the assessing agency. An assessment is initiated by a search of records for information relating to the report, contact with a subject of the report, or with a collateral contact.

History: Effective September 1, 1990; amended effective November 1, 1994; January 1, 1996.

General Authority: NDCC 50-25.1-05

Law Implemented: NDCC 50-25.1-05

75-03-19-04. Time for completing assessments. Assessments of reports of suspected child abuse or neglect must be completed, a decision made, and a written report completed and submitted to the regional child protection service supervisor or other person designated by the department within sixty-two days from

the date of receipt of the report unless an extension of the time is requested of and granted by the department.

History: Effective September 1, 1990; amended effective January 1, 1996; July 1, 2006.

General Authority: NDCC 50-25.1-05

Law Implemented: NDCC 50-25.1-05

75-03-19-05. Time for submitting written assessment reports. Repealed effective July 1, 2006.

75-03-19-06. Assessment procedures. Assessments of reports of suspected child abuse or neglect must be conducted by the department or its authorized agents in substantial conformity with the policies of the department. Assessments of reports of suspected child abuse or neglect must reflect:

1. An assessment process designed to collect sufficient information to make a decision whether services are required to provide for the protection and treatment of an abused or neglected child;
2. Assessment techniques that include interviewing and observing the subject, the child victim, and other interested or affected persons and documenting those interviews and observations;
3. Conclusions and a summary based on information gathered by assessment techniques described in subsection 2; and
4. If services are required, development of a treatment plan based on goals and objectives established by the department or its designee and the subject and the family of the child victim.

History: Effective September 1, 1990; amended effective November 1, 1994; January 1, 1996; July 1, 2006.

General Authority: NDCC 50-25.1-05, 50-25.1-05.4

Law Implemented: NDCC 50-25.1-05, 50-25.1-05.4

75-03-19-07. Caseload standards. Any authorized agent designated by the department to receive reports and conduct assessments of reports of suspected child abuse or neglect shall adhere to the caseload standards establishing minimum staff-to-client ratios.

History: Effective September 1, 1990; amended effective January 1, 1996; July 1, 2006.

General Authority: NDCC 50-25.1-05

Law Implemented: NDCC 50-25.1-05, 50-25.1-06.1

75-03-19-08. Exchange and transfer of information. The department and its authorized agent may exchange or transfer information and records concerning the reports or assessments among and between personnel of each

respective agency to the extent necessary to perform the duties and effectuate the purposes set forth in North Dakota Century Code chapter 50-25.1.

History: Effective September 1, 1990; amended effective January 1, 1996; July 1, 2006.

General Authority: NDCC 50-25.1-05

Law Implemented: NDCC 50-25.1-05, 50-25.1-11

75-03-19-09. Child abuse or neglect complaint or allegation. At the initial contact, the department or its authorized agent shall advise the subject of a report of suspected child abuse or neglect of the specific complaints or allegations made against the individual.

History: Effective July 1, 2006.

General Authority: NDCC 50-25.1-05

Law Implemented: NDCC 50-25.1-05, 50-25.1-11

75-03-19-10. Training requirements. The department shall maintain a child welfare certification training program to protect the legal rights and safety of children and families. The training curriculum must include the legal duties of child protection services. Each social worker providing child protection services must complete the training program within the first year of employment with child protection services.

History: Effective July 1, 2006.

General Authority: NDCC 50-25.1-05

Law Implemented: NDCC 50-25.1-05, 50-25.1-11